REMARKS

In response to the Office Action mailed on September 14, 2004, Applicants respectfully request reconsideration. A one-month extension of time to reply is being filed with this amendment.

Applicants have amended claims 1, 2, 8, 11, and 19. The following remarks address the rejections of pending claims as set out in the Office Action as well as new claims 30-34.

Rejections of Claims 1-8 under 35 U.S.C. § 112

The present Office Action includes a rejection of claims 1-8 under 35 U.S.C. §112, paragraph 2. In particular, the Examiner indicated that it was unclear to which entity the "thin client" is associated. Applicants have modified claims 1, 2 and 8 addressing the Examiner's concerns.

Rejections of Claims 1-10 under 35 U.S.C. § 102

The Examiner has rejected claims 1-10 under 35 U.S.C. § 102(e) based on the teachings of Mendiola, et al., (U.S. Patent Publication 2002/0006803 A1).

Applicants have amended claim 1 to expedite prosecution of the present application. For example, Applicants have amended contents of claims 3 and 6 into previously pending claim 1. Thus, claim 1 now recites "employing an instant messaging session object to enable a non-persistent type client to maintain a session for said communications channel; and redirecting at least one client of the presence server of a previously opened session to another presence server." Applicants respectfully submit that neither of these elements are present in the cited references.

For example, the Examiner indicates, when rejecting claim 3, that Mendiola teaches "employing an instant messaging session object to enable a

non-persistent type client to maintain a session for said communications channel" at page 1, [0001-0002], page 2, [0031], and page 7, [0124]. Applicants respectfully submit that Mendiola discloses use of a telephone to access and use an IM (Instant Messaging) system. However, the Mendiola reference merely teaches a technique of registering access devices and assigning them a unique identifier for accessing the IM system. There is no teaching whatsoever in Mendiola to enable a non-persistent type client as in the claimed invention to maintain a session for the communications channel.

This technique as recited in claim 1 enables a client to setup and use a communication channel and thereafter disconnect itself from the presence server as further described at page 7 [0050] of the present application. While disconnected, the method of claim 1 maintains the session for the communications channel so that the client can again connect to the presence server and communicate over the communications channel. Accordingly, there is no need to re-employ a tedious process of setting up the communications channel when the client reconnects to the presence server. None of the cited references disclose this technique, especially in the context of an instant messaging application.

Mendiola at page 1, [0001-0002] discloses assigning unique identifiers to prospective users and creating accounts for them to use an IM system. This does not teach maintaining a session for a communication channel.

Mendiola at page 2, [0031] discloses registering the address of a prospective user of an IM system. This also does not teach maintaining a session for a communication channel for a non-persistent client.

Mendiola at page 7, [0124] also discloses a technique of registering and maintaining an account for prospective users of an IM system. This is not

equivalent to maintaining a session for an established communications channel as in the claimed invention.

The Examiner also indicates, when rejecting claim 6, that Mendiola teaches "redirecting at least one client of the presence server of a previously opened session to another presence server" at page 3, [0048], and page 7, [0124]. Applicants respectfully submit that Mendiola discloses use of a telephone to access and use an IM (Instant Messaging) system. However, the Mendiola reference merely teaches a technique of registering access devices and assigning them a unique identifier for accessing the IM system. There is no teaching whatsoever to redirect clients from a previously opened session to another presence server as in the claimed invention.

This technique as recited in claim 1 enables the presence server of the present invention to redirect clients requesting to connect to communication channels associated with other presence servers. In other words, the presence server of the invention has knowledge of other presence servers to which the opened sessions pertain. Based on this redirecting, there is no need for a requesting client to needlessly hunt for the appropriate presence server to connect to an opened session. None of the cited references disclose this technique, especially in the context of using a presence server in an instant messaging application.

Mendiola at page 3, [0048] discloses a system in which a prospective user is invited to register by an existing user. Applicants submit that this passage does not teach redirecting a user to another presence server for a previously opened session. For example, a previously opened session is not equivalent to an account. Furthermore, and perhaps more importantly, the existing user is the entity that does the inviting. There is no request on the part of the prospective user. Therefore, there is no redirecting in the context of claim 1. Nor is there

even any directing to a previously opened account. The cited passage is directed toward opening a new account, not a previously opened session as in the claimed invention.

Mendiola at page 7, [0124] discloses a technique of an existing user redirecting the prospective user to an IM server. However, the redirecting involves registering the prospective user. Mendiola discloses registering at paragraph 0046, which involves assigning a unique identifier and setting up an account. There is no mention that "registering" involves directing a user to a previously opened "session" (for a communication channel) of "another presence server" as in the claimed invention.

Thus, none of these passages disclose the techniques as recited in amended claim 1. It is well accepted that a claim is not anticipated under 35 U.S.C. § 102 unless each and every aspect of the claimed invention is taught by a single reference. Additionally, a claim is not obvious under 35 U.S.C. § 103(a) unless the cited references teach or suggest every claim limitation and combination thereof. Accordingly, it is respectfully submitted that the invention as recited in amended claim 1 is neither anticipated nor obvious because it includes distinguishing limitations not taught or suggested by any of the cited references.

It is respectfully submitted that in view of the above amendment and remarks, claim 1 is novel and non-obvious as it incorporates techniques contrary to previously accepted wisdom and blueprints for the inventive method cannot be found in the individual or combined cited references. Accordingly, it is submitted that independent claim 1 and corresponding dependent claims 2 and 8 are in condition for allowance over the prior art.

Rejections of Claims 11-29

Similar amendments have been made to independent claim 11 as those above for claim 1. For example, claim 11 has been amended to recite "the presence server maintaining an instant messaging session object operative to enable non-persistent clients to maintain a session along said communications channel; and first and second communication protocols enabling communication between said presence server and said first and second communication devices, said first communication protocol supports redirecting at least one client to at least one previously opened session on at least one presence server" based on previously pending but now canceled claims 13, 16, and 18. For applicable reasons as discussed above for amended claim 1, it is submitted that amended independent claim 11 and corresponding dependent claims 12, 19, 21-29 are in condition for allowance. Claims 13-18 and 20 are being canceled.

Claims 23, 24, and 27 further distinguish claim 11 over the cited art.

For example, claim 23 indicates use of "an audio file server associated with said presence server." The Examiner admits that Mendiola does not teach use of an audio file server and therefore cites Ball (US 2002/0126135) at paragraph [0243] and [0250] for this claim element. Applicants agree that the cited Ball reference discloses a network server that distributes audio and video data. However, neither Mendiola nor Ball discloses use of an audio server in the context of an instant messaging application as in the claimed invention. Instant messaging, in a classic sense, has been used for immediate transfers of text-based communications. It is therefore counterintuitive (and novel) to apply an audio server in the context of an instant messaging application. That is, there has been no motivation prior to the present application to combine such principles. Even when combined, the references do not teach associating an audio server with a presence server. Therefore, Applicants also respectfully request allowance of claim 23.

Claim 24 indicates inclusion of an IVR (Interactive Voice Response) system to interface between a telephone and the presence server, the latter of which supports instant messaging between users via a communications channel. The Examiner admits that Mendiola does not teach use of an IVR and therefore cites Philonenko (US 2002/0131399) at paragraph [0022] and [0029] for this claim element. Applicants agree that the cited Philonenko reference discloses an IVR system, but use of the IVR it is not the same as in the context as recited in claim 24.

For example, neither Mendiola nor Philonenko recite use of an IVR (Interactive Voice Response) system to interface between a telephone and the presence server, the latter of which supports instant messaging between users via a communications channel as in the claimed invention. Philnenko instead indicates queuing of communications events (e.g., instant message, telephone calls, etc) as discussed in paragraph [0151], [0044]. There is no connection between the instant messaging (or instant messages) and the IVR other than they are types of independent communications events that are queued based on priority. More specifically, the queue in Philinenko does not support instant messaging via a communications channels as in the claimed invention. Nor is there a teaching or suggestion that the queue in Philnenko is used in a presence server. Even if the queue were stored in a presence server, it is not clear what purpose the queue would then serve, especially in the context of the claimed invention. Thus, Philonenko discloses a technique of utilizing an IVR system in a completely different way than in the present invention and there would be no motivation to combine the references. And even if the references were combined, it would not disclose the claimed invention. Applicants respectfully request allowance of claim 24.

Patentability of New Claims 30-34

Support for claim 30 can be found in FIG. 1, text at paragraph 41-50, and elsewhere throughout the specification. No new matter is being added as a result of adding this claim.

Newly submitted claim 30 recites techniques not found in the cited art. For example, a presence server initially supports text-based instant messaging between multiple users, at least one of which uses a thin client device. Even though the thin client device (such as a mobile phone) becomes disconnected from the presence server, the presence server maintains an active session for the thin client device when the thin client device does not communicate over the communications channel. A user may then reconnect to the presence server based on the old session rather than creating a new one. This saves on overhead processing. Applicants respectfully request allowance of claim 30.

Support for claim 31 can be found in FIG. 1, text at paragraph 46-50, and elsewhere throughout the specification. No new matter is being added as a result of adding this claim.

Newly submitted claim 31 recites techniques not found in the cited art. For example, claim 31 recites the ability of the thin client device to reconnect to the presence server and communicate via the active session rather than create a new one. This technique speeds up a process of a user reconnecting to the presence server for purposes of to instant messaging again over the communications channel. Applicants respectfully request allowance of claim 31.

Support for claim 32 can be found in FIG. 1, text at paragraph 49-54, and elsewhere throughout the specification. No new matter is being added as a result of adding this claim.

Newly submitted claim 32 recites techniques not found in the cited art. For example, claim 32 recites employing use of an IVR (Interactive Voice Response) system to receive a message from the first instant messaging user for transmission over the communications channel to the second instant messaging user. This technique introduces a novel departure from classic text-based instant messaging, enabling a user having, for example, a cell phone to instant message via audio rather than via text for convenience. None of the cited references teaches or suggest this technique. Applicants respectfully request allowance of claim 32.

Support for claim 33 can be found in FIG. 1, text at paragraph 50-54, and elsewhere throughout the specification. No new matter is being added as a result of adding this claim.

Newly submitted claim 33 recites techniques not found in the cited art. For example, claim 32 recites utilizing a hyperlink in a text-based instant message for a receiving user of the message to retrieve an audio based message. None of the cited references disclose this unique and useful deviation form classic text-based messaging. Applicants respectfully request allowance of claim 33.

Support for claim 34 can be found in FIG. 1, text at paragraph 49, and elsewhere throughout the specification. No new matter is being added as a result of adding this claim.

Newly submitted claim 34 recites techniques not found in the cited art. For example, claim 32 recites redirecting a use to a previously active session of another presence server. Thus, the user attempting to make the connection to the active session need not hunt around for the appropriate presence. None of

the cited references disclose this deviation from classic text-based messaging. Applicants respectfully request allowance of claim 33.
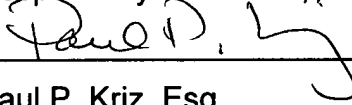
Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' Representative at the number below.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned Attorney at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,

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